

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA	:	
	:	
v.	:	CR. No. 12-036S
	:	
CHARLES FERMIN	:	

**MEMORANDUM AND ORDER**

In this matter, Defendant Charles Fermin filed a Notice of Appeal in this Court on January 17, 2013 and subsequently sought pauper status in the First Circuit Court of Appeals. The Court of Appeals directed Fermin to seek in forma pauperis (“IFP”) status in the District Court. On May 14, 2013, Fermin filed an Application to Proceed In District Court Without Prepaying Fees or Costs (the “Application”). (Document No. 59). The Application has been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); LR Cv 72.

In the Application, Fermin indicated that he is incarcerated, that he is not employed at the prison and that he has an available balance of \$30.20 in his prison trust account. Fermin failed, however, to fulfill the requirements for obtaining IFP status on appeal. On March 4, 2013, the Court of Appeals issued an Order stating that Fermin had failed to file a “compliant request for IFP status” and indicated that a compliant request must include a “motion, fully completed Form 4, Financial Affidavit and prison trust account statement....” (Court of Appeals Docket No. 13-1108, Document No. 00116499939). Fermin was also notified that his Appellate Court Motion was deficient because it failed to “state the issues to be presented on appeal and is not accompanied by a certified copy of appellant’s statement from the institutional trust account statement.” Id.

This Court cannot determine whether Fermin qualifies to have his Application granted in this case until the proper documentation is received. The Clerk is directed to enclose a copy of Form 4

for Fermin's completion. In addition to completing Form 4, Fermin must also file a Motion stating the issues to be presented on appeal, as well as a certified copy of his prison trust account statement.

Fermin must file the proper documentation on or before **June 30, 2013** or risk having his Application denied.

SO ORDERED.

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
May 22, 2013